

SIXTY-EIGHTH DAY

(Tuesday, May 23, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Adamson.	Holekamp.
Alexander.	Holland.
Alsup.	Holloway.
Anderson	Hoskins.
of Bexar.	Huddleston.
Anderson	Hughes.
of Johnson.	Hunt.
Baker.	Hyder.
Barrett.	Jackson.
Barron.	James.
Beck.	Jefferson.
Bedford.	Johnson
Bourne.	of Anderson.
Bradley.	Jones of Atascosa.
Burns.	Jones of Runnels.
Butler.	Jones of Shelby.
Calvert.	Kayton.
Camp.	Kyle of Hays.
Canon.	Kyle of Palo Pinto.
Cathey.	Laird.
Caven.	Latham.
Celaya.	Leonard.
Chastain.	Lindsey.
Clayton.	Long.
Colson.	Lotief.
Coombes.	Mackay.
Cowley.	Magee.
Crossley.	Mathis.
Daniel.	McClain.
Davidson.	McCullough.
Dean.	McDougald.
Devall.	McGregor.
Dunlap.	McKee.
Dunagan.	Merritt.
Dwyer.	Metcalfe.
Engelhard.	Mitcham.
Fain.	Moffett.
Few.	Moore.
Ford.	Morrison.
Fuchs.	Morse.
Glass.	Munson.
Golson.	Nicholson.
Good.	Palmer.
Goodman.	Parkhouse.
Graves.	Patterson.
Greathouse.	Pavlica.
Griffith.	Pope.
Haag.	Puryear.
Hankamer.	Ramsey.
Harman.	Ratliff.
Harris.	Ray.
Hartzog.	Reed of Bowie.
Head.	Reed of Dallas.
Hester.	Renfro.
Hicks.	Riddle.
Hill of Brazoria.	Roberts.
Hodges.	Rogers of Hunt.

Rogers	Tarwater.
of Ochiltree.	Tennyson.
Rollins.	Thomas.
Ross.	Tillery.
Russell.	Townsend.
Savage.	Turlington.
Scarborough.	Van Zandt.
Scott.	Vaughan.
Shannon.	Wagstaff.
Shults.	Walker.
Smith.	Weinert.
Stanfield.	Wells.
Steward.	Winningham.
Stinson.	Wood.
Stovall.	Young.
Sullivant.	

Absent

Duvall.	Harrison.
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Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hill of Webb for today and the balance of the week, on motion of Mr. Walker.

Mr. Reader for today and the balance of the week, on motion of Mr. Glass.

Mr. Lemens for today and the balance of the week, on motion of Mr. Rollins.

Mr. Aikin was granted leave of absence for today and tomorrow on account of the death of his father, on motion of Mr. Canon.

Mr. Johnson of Dimmit was granted leave of absence for today and the balance of the week, on motion of Mr. Ford.

AUTHORIZING CERTAIN CORRECTION IN HOUSE CONCURRENT RESOLUTION NO. 66

Mr. Bradley offered the following resolution:

H. C. R. No. 95, Authorizing certain correction in House Concurrent Resolution No. 66.

Whereas, House Concurrent Resolution No. 66 inadvertently contains certain typographical errors; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, that the Enrolling Clerk of the House be, and is hereby, instructed to substitute "County of Travis" for "Court of Travis County" and "Court of Travis" in the first resolving clause of House Concurrent Resolution No. 66; and by changing "A. C. Reissig, 1014 Haskell, Austin, Texas," to "A. C. Reissig, 1914 Haskell, Austin Texas"; and "a court of competent jurisdiction" to the "District Court of Travis County, Texas."

The resolution was read second time, and was adopted.

RELATIVE TO CERTAIN CONTRACT OF WOMACK CONSTRUCTION COMPANY

Mr. Anderson of Johnson offered the following resolution:

H. C. R. No. 96, Relative to Womack Construction Company.

Whereas, On or about July 6, 1921, the State of Texas, acting by and through its Highway Commission, and Johnson County, acting by and through its commissioners court, made and entered into a legal and valid contract with Womack Construction Company, a private corporation, for the construction and completion of Federal Aid Projects Nos. 181 and 228, on State Highway No. 2-A, beginning at the Hill County line and extending through and across Johnson County to the Tarrant County line, said highway being now designated as State Highway No. 2; and

Whereas, Said contract provided that the cost of constructing said highway under said contract through Johnson County should, and would, be borne and paid, fifty per cent (50%) by Johnson County and fifty per cent (50%) by State and Federal aid; and

Whereas, Johnson County had, prior thereto, and in May, 1919, voted a two-million-dollar county-wide road bond issue, which bonds had been sold and the proceeds thereof deposited in the National Bank of Cleburne, which was then and continued to be the duly and legally selected

county depository of the funds of Johnson County; and

Whereas, Said Johnson County, by and through its commissioners court, had, prior to and on said July 5, 1921, allocated, designated, and set aside the sum of four hundred ten thousand one hundred and twelve dollars and fifty-eight cents (\$410,112.58) out of the proceeds of said bond issue for the sole and express purpose of paying said county's fifty per cent (50%) of the cost of construction of said Highway No. 2 through Johnson County under said contract with Womack Construction Company, and the State Highway Commission had designated or allotted the sum of three hundred thousand dollars (\$300,000) of State and Federal aid to the above-mentioned project; and

Whereas, On October 17, 1921, the said county depository bank failed and a receiver was appointed to administer same, at which time no portion or part of said four hundred and ten thousand one hundred and twelve dollars and fifty-eight cents (\$410,112.58) had been expended under said contract, or otherwise, but all of same was still on deposit in said failed depository bank; and

Whereas, Thereafter on December 23, 1921, Johnson County, the said Womack Construction Company, by and with the approval and at the solicitation of Johnson County and the State Highway Commission, made and entered into a modified contract with each other and with the First National Bank of Alvarado, Texas, and its subscribers, and The First National Bank of Grandview, Texas, and its subscribers, wherein in substance it was agreed that Johnson County would furnish forty-four thousand dollars (\$44,000) worth of gravel already unloaded contiguous to said proposed highway, and that the State Highway Commission, in addition to furnishing the original fifty per cent (50%) State and Federal aid, would furnish further aid to the extent of twenty-two per cent (22%) of the cost of the construction of said highway, and that the said Womack Construction Company did agree to advance and carry fourteen per cent (14%) of the cost of such construction, and that the said First National Bank of Alvarado and The First National Bank of Grandview, and their subscribers to said fund, would advance and furnish four-

teen per cent (14%) of the cost of construction of said highway in said county, a contract being entered into to that effect, and with the proviso and agreement that the said Womack Construction Company and the said two contracting banks and their subscribers would be repaid by Johnson County the aggregate twenty-eight per cent (28%) so advanced by them, and that the State Highway Commission should be reimbursed for the twenty-two per cent (22%) additional advanced by it, in the construction of said highway in and through Johnson County, such payments to be made by Johnson County out of the portion of the four hundred and ten thousand one hundred and twelve dollars and fifty-eight cents (\$410,112.58) to be recovered from said bank and its sureties on its depository bonds, which amount was originally designated and set apart for the purpose of constructing said highway under said contract; and

Whereas, Said contract was duly entered into in said modified form on said December 23, 1921, and the construction of said highway was thereafter begun on or about January 1, 1922, and was fully and finally completed according to contract in due course by said Womack Construction Company; and

Whereas, In compliance with said modified contract the said The First National Bank of Alvarado, Texas, and the citizens of that community, subscribed and paid into said construction fund the sum of twenty-eight thousand eight hundred and eighty-six dollars and sixty-one cents (\$28,886.61), and the said The First National Bank of Grandview, Texas, and the citizens of that community, subscribed and paid into said fund the sum of twenty thousand dollars (\$20,000), aggregating the total sum paid by said banks and said citizens in pursuance of said contract in the amount of forty-eight thousand eight hundred and eighty-six dollars and sixty-one cents (\$48,886.61), all of which sum was placed at the disposal of and was disbursed and paid upon said highway construction project under the sole direction and supervision of said State Highway Commission; and

Whereas, in pursuance of said modified contract the said Womack Construction Company advanced and paid out upon said project and in the con-

struction of said highway in and through Johnson County the sum of forty-eight thousand one hundred and forty-five dollars and nine cents (\$48,145.09); and

Whereas, No part of any of said sums of money so advanced and paid by said banks and the subscribing citizens in the said communities, and the said advancements made and paid by said Womack Construction Company, have ever been paid to said parties, or to their heirs, executors, administrators, successors, or assigns, and said sums are alleged to be due and owing to said claimants; and

Whereas, Said State Highway No. 2 was at all of said times, at all times since, and is now a State highway in the State of Texas, and the said citizens, the said two banks, and the said Womack Construction Company, under said contract claim to have advanced and paid said aggregate of twenty-eight per cent (28%) of the cost of the construction of the said highway in said Johnson County in the aggregate total sum of ninety-seven thousand thirty-one dollars and seventy cents (\$97,031.70), under said contract aforesaid; and

Whereas, The said First National Bank of Alvarado, Texas, and the First National Bank of Grandview, Texas, in behalf of themselves and of the citizens of their respective localities who claim to have advanced and paid the said aggregate sum of forty-eight thousand eight hundred eighty-six dollars and sixty-one cents (\$48,886.61) in the construction of said highway under said contract have heretofore made and presented their said claims against the State of Texas, filing same with the Board of County and District Road Indebtedness created by Acts of 1932, Forty-second Legislature, Third Called Session, Chapter 13, and the said Womack Construction Company has likewise filed its claim against the State of Texas with the aforesaid Board, such claimants asserting that their respective claims should be paid, and allowed for payment, under the provisions of said Act above referred to; and

Whereas, No disposition has been made of the claims on the part of any citizen or citizens, and no hearing has been had or decision handed down in regard to such claims; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Board of County and District Road Indebtedness be, and the same hereby is, requested to hold a hearing on such claims as are hereinabove described to determine all questions of facts necessary to be determined and that the said Board hand down its decision concerning those claims in order that the parties concerned may be informed as to the true and actual status of their claims; be it further

Resolved, That if the facts show on such hearing that any of the parties hereinabove-mentioned, their successors or assigns, are entitled to any money or moneys that the Board of County and District Road Indebtedness be requested to pay out of any funds heretofore or hereafter appropriated for the purpose of paying the indebtedness of the State; be it further

Resolved, That a certified copy of this resolution be sent by the Chief Clerk of the House and Senate to the Board of County and District Road Indebtedness.

The resolution was read second time, and was adopted.

HOUSE BILL ON FIRST READING

Mr. Kayton moved to introduce, at this time, and have placed on first reading, the following bill:

The motion prevailed by the following vote:

Yeas—99

Adamson.	Fain.
Alexander.	Few.
Alsup.	Ford.
Anderson	Fuchs.
of Johnson.	Glass.
Barrett.	Golson.
Barron.	Good.
Bourne.	Goodman.
Bradley.	Greathouse.
Burns.	Griffith.
Butler.	Haag.
Calvert.	Hankamer.
Canon.	Hartzog.
Cathey.	Head.
Celaya.	Hester.
Cowley.	Hicks.
Daniel.	Hill of Brazoria.
Davidson.	Hodges.
Dean.	Holland.
Devall.	Hoskins.
Engelhard.	Huddleston.

Hyder.	Puryear.
Jackson.	Ratliff.
James.	Ray.
Jefferson.	Reed of Bowie.
Jones of Atascosa.	Renfro.
Jones of Runnels.	Roberts.
Jones of Shelby.	Rogers of Hunt.
Kayton.	Rogers
Kyle of Palo Pinto.	of Ochiltree.
Laird.	Rollins.
Latham.	Ross.
Lindsey.	Scarborough.
Lotief.	Scott.
Mackay.	Shannon.
Magee.	Shults.
Mathis.	Smith.
McClain.	Stanfield.
McCullough.	Steward.
McKee.	Stovall.
Merritt.	Sullivant.
Moffett.	Tillery.
Morrison.	Townsend.
Morse.	Turlington.
Munson.	Vaughan.
Nicholson.	Wagstaff.
Palmer.	Walker.
Parkhouse.	Weinert.
Patterson.	Wells.
Pavlica.	Winningham.
Pope.	

Nays—8

Baker.	Reed of Dallas.
Hughes.	Stinson.
Hunt.	Thomas.
Kyle of Hays.	Wood.

Absent

Anderson	Holekamp.
of Bexar.	Holloway.
Beck.	Johnson
Bedford.	of Anderson.
Camp.	Leonard.
Caven.	Long.
Chastain.	McDougald.
Clayton.	McGregor.
Colson.	Metcalfe.
Coombes.	Mitcham.
Crossley.	Moore.
Dunlap.	Ramsey.
Dunagan.	Riddle.
Duvall.	Russell.
Dwyer.	Savage.
Graves.	Tarwater.
Harman.	Tennyson.
Harris.	Van Zandt.
Harrison.	Young.

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

The Speaker then laid the bill before the House; it was read first time, and was referred to the appropriate committee, as follows:

By Mr. Kayton and Mr. Patterson:

H. B. No. 946, A bill to be entitled "An Act to release interest and penalties on all delinquent ad valorem taxes due any city, town, or village, or independent school district, if said taxes are paid before the fifteenth day of September, 1933, and the governing body finds that unusual or excessive default has occurred in the payment of taxes, and that an extension of time will promote and accelerate collection thereof; suspending all laws and parts of laws in conflict herewith during the term this Act is in force; etc.; and declaring an emergency, and declaring that this Act shall take effect and be in force from and after its passage."

Referred to Committee on Judiciary.

GRANTING MISS MAUD RICHOW PERMISSION TO SUE THE STATE

Mr. Griffith offered the following resolution:

H. C. R. No. 97, Granting Miss Maud Richow permission to sue the State.

Whereas, Miss Maud Richow, Travis County, Texas, was operating her Overland car on the streets of Austin, Texas, on or about the thirty-first day of December, A. D. 1924, and without any cause, negligence, or carelessness on her part, and while on her side of the street, one J. S. Corbett, an employe of the State Highway Department, operating truck No. 598,519 in such a careless and negligent manner crashed into the Overland car operated by Miss Richow, causing physical injury to, and damaging the car of, Miss Maud Richow; and

Whereas, The State Highway Department has shown its liability in this matter by causing, and having repaired, at no expense to Miss Maud Richow, the damage to the Overland car; and

Whereas, No compensation has been paid Miss Maud Richow for her injuries and for necessary expenses and medical services in treating her

injuries, the Highway Department telling Miss Richow they do not have legal authority to do such; and

Whereas, In justice to Miss Maud Richow, she should be given authority to bring a suit in a court of competent jurisdiction in Travis County, Texas, to determine the amount of compensation she is entitled to, if any, on account of said injuries and expenses in treating the injuries; and, now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Miss Maud Richow is hereby given permission to sue the State of Texas in a court of competent jurisdiction in Travis County, Texas, for and on account of her personal injuries received, and for necessary and medical expenses incurring in treating such injuries, because of the collision above referred to, and that necessary service and process be had on the State Highway Commissioners, or the Attorney General, or either of them, and that the case be regularly docketed and heard in Travis County, Texas. And further, all other necessary rights that the said Miss Maud Richow is entitled to, for a full and complete determination of all matters in the premises stated, are hereby given Miss Maud Richow as if she were bringing suit against a private citizen.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

MESSAGE FROM THE GOVERNOR

Miss Kathleen Trigg, assistant secretary to the Governor, being escorted to the Bar of the House, read the following message from Governor Miriam A. Ferguson:

Executive Office,
Austin, Texas, May 23, 1933.

To the House of Representatives:

I submit for your consideration the question of the levying of a tax upon intangible values upon all corporations not now paying a gross receipts tax. Such a tax might go a long way towards balancing our budget.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

AUTHORIZING CERTAIN CORRECTIONS IN HOUSE BILL NO. 459

Mr. Cathey offered the following resolution:

H. C. R. No. 98, Authorizing the correction of House Bill No. 459.

Whereas, House Bill No. 459 has passed the House and Senate, and

Whereas, The caption of said bill should be amended to conform to the changes in the body of the bill; therefore, be it

Resolved by the House, the Senate concurring, That the Enrolling Clerk of the House be directed to amend the caption of said bill so as to conform to the changes in the body of the bill.

The resolution was read second time, and was adopted.

GRANTING J. H. REAGAN PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 54, Granting J. H. Reagan permission to sue the State.

Whereas, In the years 1927 and 1928, one or both, the State Highway Department constructed, or caused to be constructed, on or across the lands of J. H. Reagan, in Anderson County, Texas, a high embankment and large dump, in order to make what said Commission deemed a suitable crossing over the Trinity River for State Highway No. 43; and

Whereas, By the construction of said embankment the waters of said Trinity River were caused to be diverted over and flowed across the lands of the said J. H. Reagan; and

Whereas, Said State Highway Department is prohibited, under the Constitution and laws of this State, from paying the said J. H. Reagan his damages; and

Whereas, The said J. H. Reagan is desirous of bringing suit to establish his claim for damages against the State of Texas by reason of the acts aforesaid; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said J. H. Reagan be, and he is hereby, granted permission

to bring suit against the State, or said Highway Commission, in a court of competent jurisdiction of Travis County, in order to determine the compensation, if any, said Reagan is entitled to recover by reason of his said injuries, if any; and be it further

Resolved, That service of all necessary process may be had upon the Highway Commission and the Attorney General with the same force and effect as in civil cases.

The crowded condition of the calendar and the importance of the subject matter of this resolution create an emergency and an imperative public necessity requiring the suspension of the constitutional rule, requiring that all bills be read on three separate days in each House, and said rule is hereby suspended, and this resolution shall take effect from and after its passage, and it is so enacted.

The resolution was read, and, on motion of Mr. Alsup, was referred to the Committee on State Affairs.

RELATIVE TO REFORESTATION FUND

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 58, Relative to relief work in Texas.

Whereas, The Congress of the United States of America, acting upon the recommendation of the President, has appropriated a large sum of money, namely four billion dollars (\$4,000,000,000), to aid unemployment among the people of the different States; and

Whereas, Said sum so appropriated is to be known as the Reforestation Fund, to be expended on projects of reforestation, flood control, reclamation, and beautifying public parks; and

Whereas, Texas has no Government lands upon which reforestation work can be carried on, and such sum as may be allotted for Texas will be used on other projects than reforestation; and

Whereas, Texas has more miles of country roads, other than State designated highways, than any State in the Union upon which much work is needed in improving said roads in order to enable rural people to reach

the cardinal highways and to make public travel safer for the people who must travel the roads; that said roads are badly in need of improvement and maintenance and that such improvements on our lateral and secondary highways would be of general value to the country people residing in the rural districts, and also to the cities and towns which would be more accessible to our country people, and of great permanent value in the enhancement of land values; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Forty-third Legislature of the State of Texas do hereby recommend and urgently request that those in authority use their influence in an effort to have the country roads of the State included among the designated projects for the Texas allotment of the appropriation mentioned, to the end that the rural sections of the State may share in the distribution and benefits of such sums of money as may be spent in Texas; and be it further

Resolved, That this Legislature recommend that as many of the Texas recruits from the young men of the State be kept in Texas and distributed as near equal in each county as may be possible, to the end that each and every part of Texas may receive equal benefits from the expenditure of the funds allotted to the State as well as from the labor of the men given employment under the provisions of the Act; be it further

Resolved, That a copy of this resolution be mailed to each Member of the Texas committee having authority to designate the character of work to be carried on.

The resolution was read second time, and was adopted.

RELATIVE TO THE CONSTRUCTION OF CERTAIN WATERWAY

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 63, Relative to construction of certain waterway.

Whereas, On July 18, 1932, a treaty was signed by the Dominion of Canada and the United States relating to

the proposed St. Lawrence Waterway, which has for its purpose to provide navigation from the Great Lakes to the Atlantic Ocean, with a minimum depth of twenty-seven feet, sufficient for ocean-carrying vessels; and

Whereas, This project will involve an expenditure on the part of the United States in excess of two hundred and seventy-two million dollars (\$272,000,000), and, in addition to providing the waterway named, it will provide facilities for generating 5,000,000 horsepower in electric energy, of which 4,000,000 will be assigned to Canada, and 1,000,000 to the United States; and

Whereas, This treaty has been largely fostered by the Dominion of Canada to build up its own shipping industries, leaving that of the United States only incidental to the main project. This fact is evidenced by the energetic manner in which the Dominion has been for the past several years engaged in the completion of the Welland Canal, which connects Lake Erie with Lake Ontario; and

Whereas, This treaty, which was signed, is now pending in the Senate of the United States for approval, and if approved, it will not only involve the United States in a vast expenditure of money largely beneficial to the Dominion, in that it will facilitate the marketing of Canadian wheat, which even now approximates seventy-five per cent (75%) of the American wheat exported, all of which expenditure on the part of this Government will be taxed against our people to help their greatest competitor move his wheat abroad; and the industrial workers in this country, in addition to this, will be taxed for the privilege of allowing pulp wood from Sweden, and steel and iron ore from Norway, and a vast number of products from Russia to be dumped in the heart of this country to the detriment and ruination of our own industries; and

Whereas, Diversion of this traffic through the Great Lakes-St. Lawrence Waterway, proposed by this treaty, will, in addition to these enormous expenditures on the part of the United States Government, seriously injure our established rail lines; and

Whereas, In addition to all of this, hundreds of millions of dollars are invested in this country, both upon the North Atlantic and the Gulf Coast in

building up our ports in order to facilitate the shipping of our products to foreign countries, and any advantages in the lowering of freight rates through the Great Lakes-St. Lawrence Waterway, and subsidized by our Government, will undoubtedly give our foreign competitors a decided advantage over our American products and American producers. The effect will be an increased acreage of Canadian wheat, with corresponding lowering of American prices; and

Whereas, The Gulf ports of Texas have heretofore been handling a great majority of wheat and other products produced in the Middle West, which, upon the completion of this proposed waterway, will be directed in that channel, and will be of serious, if not disastrous, consequence to all our ports; and with foreign governments establishing reprisals and restrictions against American products in retaliation against the high tariff imposed against their products. There is no record in the recent past of any American port that has been able to operate profitably; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That in view of the facts related above, and the certainty of a great portion of the grain and other products of the Middle West going through this proposed channel, if and when completed, that we seriously object to the approval of this treaty, and request the Secretary of the Senate to send a copy of this resolution to each of the United States Senators from Texas, with request that they, and each of them, do all in their power to prevent the approval of this treaty, which, in our judgment, will be a serious setback to all American ports, and especially to those of the Gulf Coast region.

The resolution was read second time, and was adopted.

GRANTING JUDGE BREWSTER PERMISSION TO LEAVE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 69, Granting Hon. Few Brewster permission to leave the State.

Be it resolved by the Senate of

Texas, the House of Representatives concurring, That Hon. Few Brewster, Judge of the Twenty-seventh Judicial District of Texas, be, and he is hereby, granted permission to be absent from the State of Texas, at such intervals and for such time as he may see fit and proper while his courts are in vacation during the years 1933 and 1934.

The resolution was read second time, and was adopted.

PROVIDING FOR THE APPOINTMENT OF CERTAIN COMMITTEE IN REGARD TO REDUCTIONS IN STATE APPROPRIATIONS

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 67, Providing for the appointment of certain committee in regard to the reduction of State appropriations.

Whereas, The Forty-third Legislature of the State of Texas will reduce the appropriations for the support of the State Government and her several institutions, including the eleemosynary institutions, the educational institutions, the Judiciary and State departments, from ten to twelve million dollars as compared with the appropriations made by the Forty-second Legislature; and

Whereas, The public will be interested in knowing how and in what manner the appropriations were reduced and the amount of reductions in the appropriations for the several departments of the Government; and

Whereas, It will be of interest to the general public to have a detailed statement showing how and in what manner the appropriations were reduced; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Lieutenant Governor and the Speaker of the House each be authorized to appoint five Members from each House, respectively, who served as members of the conference committees to adjust the differences between the two Houses on the Judiciary Bill, the Eleemosynary Bill, the Educational Bill, and the Departmental Bill, as a committee to draft and report to the two Houses a detailed statement showing how and

in what manner the appropriations for the several departments were reduced, together with such explanatory statements as will give full and complete information in reference thereto, and that said committee be requested to make its report prior to the adjournment of the Forty-third Legislature, to the end that it may be printed in the Journal and given to the press.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Kayton, Harman, Good, Scott, and Chastain.

RELATIVE TO THE PURCHASE OF AUTOMOBILE TIRES BY THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 61, Relative to the purchase of automobile tires for State cars.

Whereas, The State of Texas has, through the Board of Control, contracted for the purchase of automobile tires at very greatly reduced prices; and

Whereas, These reductions are made possible by reason of the buying power of the State, and an increase in the amount of such purchases would be acceptable to the manufacturers, and would be calculated in the future to secure for the State an even lower price; and

Whereas, The various counties, cities, and political subdivisions of the State also purchase large quantities of tires for public use, and from public funds, which expenditures are made out of moneys collected from the people by taxation; and

Whereas, The inclusion of such public purchases in the State contract would result in a very material saving to the people of the various political subdivisions of the State, and would tend to enable the State to secure a lower price on the purchases it now makes; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Board of Control be, and the same is hereby, instructed

to request all persons, firms, and corporations with which it now holds contracts for the sale of tires to the State to extend the privileges of purchasing tires for cash and delivery at the State depositories to all counties, cities, towns, and political subdivisions of this State on the same terms, prices, and conditions as said tires are sold to the State of Texas, and to include such provision in any future proposals for bids on tires to be sold to the State of Texas; provided, however, that nothing contained herein, in any wise, be deemed to require any county, city, town, or political subdivision of the State to purchase tires under such contract, but it is intended only to extend the privilege to them and having been only for the purpose of purchasing tires for public use.

The resolution was read second time.

On motion of Mr. Greathouse, further consideration of the resolution was indefinitely postponed.

GRANTING THE USE OF STATE TRUCKS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 70, Relative to the use of State trucks.

Whereas, The Federal Government has notified the Texas Rehabilitation and Relief Commission that it proposes to open up several camps for rehabilitation work in Texas, using Texas' unemployed; and

Whereas, They have informed the Commission that it will be necessary to arrange for trucks to be used in connection with such camps; and

Whereas, The Texas Highway Commission has available motor trucks that could be loaned to the Texas Rehabilitation and Relief Commission for this temporary work; and

Whereas, The Highway Commission is willing to co-operate in this undertaking; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Highway Commission be, and it is hereby, authorized to loan to the Texas Rehabilitation and

Relief Commission such trucks as it has available, taking proper receipt of such Rehabilitation and Relief Commission and under such terms as may be mutually agreed upon by the said Texas Highway Commission and the Texas Rehabilitation and Relief Commission.

The resolution was read second time, and was adopted.

URGING THE FEDERAL GOVERNMENT TO PURCHASE LANDS IN TEXAS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 73, Relative to relief work in Texas.

Whereas, The Federal Government does not own any National parks or National forests in the State of Texas; and

Whereas, Many citizens of the State of Texas are urging the Federal Government, in order to assist the unemployment situation in Texas, to establish National parks in the State of Texas, and forests in the State of Texas; and

Whereas, Many citizens of the State of Texas are urging the Federal Government, in an effort to relieve unemployment in Texas, to purchase various tracts of land in this State and resell same to citizens on long term payments, in order that they might own their own homes, with sufficient land for the support and maintenance of their families. Be it, therefore,

Resolved by the Senate of Texas, the House of Representatives concurring, That the State of Texas agree and consent for the Federal Government to purchase lands in Texas for any of the purposes hereinbefore mentioned; provided, however, that the State forester, with the consent and approval of the Board of Directors of A. & M. College, must first approve the purchase of any land for National forests, and the State Park Board must first approve the purchase of any land for National parks in this State; and provided further, that the State Relief Commission, or the Governor of this State, must approve any purchase of land by the Federal Government for resale. Be it further

Resolved, That a copy of this resolution be furnished to each of the United States Senators from Texas and each of the Congressmen from Texas.

The resolution was read second time, and was lost.

GRANTING A. A. OSYTERMAYER PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 39, Granting A. A. Osytermayer permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING N. E. ROSS AND OTHERS PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 54, Granting N. E. Ross permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

On motion of Mr. McGregor, the venue of the resolution was ordered to be held in Travis County.

Question recurring on the resolution, it was adopted.

(Speaker in the Chair.)

(Mr. McKee in the Chair.)

GRANTING TOM LOFTAS PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 55, Granting Tom Loftas permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Mr. Pope asked unanimous consent of the House to have the resolution amended so as to provide that the venue of the suit shall be in Travis County.

There was no objection offered, and it was ordered.

Question then recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 513, A bill to be entitled "An Act providing for the transfer of the lien for taxes that the State, county, or defined subdivision thereof, has upon any real property; providing by whom and under what conditions such transfer may be made; providing for the recording of such transfer, and the effect of such record; providing for paying by lienholder to person paying such taxes the taxes, cost, and interest, and receiving transfer to himself of the tax lien; providing for foreclosure of lien and sale and disposition of proceeds of sale; providing for redemptions from foreclosure sale; providing this Act shall not abridge the right of taxpayer to enter into contract with lienholders for payment of taxes, nor affect existing contracts; providing that if any provision of this Act is declared invalid or unconstitutional it shall not affect any other provision of this Act; and declaring an emergency."

The Senate has adopted

S. C. R. No. 50, A concurrent resolution authorizing Alfred Brown to sue the State of Texas.

Respectfully,

BOB BARKER,

Secretary of the Senate.

(Speaker in the Chair.)

RELATIVE TO RELIEF WORK IN TEXAS

Mr. Laird moved to reconsider the vote by which Senate Concurrent Resolution No. 73, relative to reforestation work in Texas, was lost.

The motion to reconsider prevailed.

Question then recurring on the resolution, it was adopted.

GRANTING J. M. McCARTY PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 76, Granting J. M. McCarty permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Mr. Pope asked unanimous consent of the House that the resolution be amended so as to provide that jurisdiction of the suit shall be in Travis County.

There was no objection offered, and it was so ordered.

The resolution was then adopted.

GRANTING BEN MARTIN PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 77, Granting Ben Martin permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Mr. Haag offered the following amendment to the resolution:

Amend H. C. R. No. 77, paragraph 4, line 5, by striking out the words: "Jeff Davis County, Texas," and insert in lieu thereof the following: "Travis County, Texas."

The amendment was adopted.

The resolution as amended was then adopted.

GRANTING LEE MOORE PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 80, Granting Lee Moore permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING W. C. FRANKS PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 87, Granting W. C. Franks permission to sue the State; The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution, with the following committee amendment:

Amend House Concurrent Resolution No. 87 by adding a paragraph, as follows, just before the resolving clause:

"Whereas, If any sum of money is allowed the plaintiff, W. C. Franks, by the court, as damages, it is hereby provided that said sum be paid out of the funds of the Live Stock Sanitary Commission of the State of Texas."

The amendment was adopted.

The resolution, as amended, was then adopted.

GRANTING R. P. PRICE PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 88, Granting R. P. Price permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

RELATIVE TO SUITS BROUGHT AGAINST THE STATE OF TEXAS

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 70, Relative to venue of suits brought against the State of Texas;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Mr. Moore moved to table the resolution.

Question recurring on the motion to table, it was lost by the following vote:

Yeas—52

Alexander.	Kyle of Palo Pinto.
Anderson	Latham.
of Bexar.	Leonard.
Bourne.	Lotief.
Bradley.	Mackay.
Butler.	Mathis.
Celaya.	McKee.
Clayton.	Merritt.
Davidson.	Moore.
Dean.	Palmer.
Dunagan.	Patterson.
Few.	Puryear.
Fuchs.	Ray.
Glass.	Reed of Bowie.
Goodman.	Reed of Dallas.
Haag.	Rogers
Hankamer.	of Ochiltree.
Harris.	Shannon.
Hester.	Stanfield.
Hill of Brazoria.	Sullivan.
Holekamp.	Tennyson.
Holland.	Tillery.
Holloway.	Turlington.
Huddleston.	Wagstaff.
Jackson.	Walker.
Jefferson.	Wells.
Johnson	Wood.
of Anderson.	

Nays—69

Adamson.	Jones of Atascosa.
Alsup.	Jones of Runnels.
Anderson	Jones of Shelby.
of Johnson.	Lindsey.
Barrett.	Long.
Beck.	Magee.
Burns.	McDougald.
Calvert.	McGregor.
Camp.	Metcalfe.
Canon.	Moffett.
Cathey.	Morrison.
Caven.	Morse.
Chastain.	Munson.
Coombes.	Nicholson.
Crossley.	Parkhouse.
Daniel.	Pavlica.
Devall.	Ramsey.
Engelhard.	Ratliff.
Fain.	Renfro.
Ford.	Roberts.
Golson.	Rogers of Hunt.
Good.	Rollins.
Graves.	Ross.
Greathouse.	Savage.
Head.	Scarborough.
Hicks.	Scott.
Hodges.	Shults.
Hoskins.	Smith.
Hughes.	Steward.
Hunt.	Stinson.
James.	Stovall.

Tarwater.	Vaughan.
Thomas.	Weinert.
Townsend.	Winningham.
Van Zandt.	Young.

Present—Not Voting

Pope.

Absent

Baker.	Hartzog.
Barron.	Hyder.
Bedford.	Kayton.
Colson.	Kyle of Hays.
Cowley.	Laird.
Dunlap.	McClain.
Duvall.	McCullough.
Dwyer.	Mitcham.
Griffith.	Riddle.
Harman.	Russell.
Harrison.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

Mr. Leonard moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Mr. Hankamer offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 70 by adding, at the end thereof, the following:

"Provided, however, that where the cause of action relied upon is one based upon contract with the State, then, and in that event, venue for such suit against the State shall be in the county where such contract was performed."

Mr. Pope moved to reconsider the vote by which the previous question was ordered.

The motion to reconsider prevailed.

Question then recurring on the motion for the previous question, it prevailed.

Question recurring on the amendment by Mr. Hankamer, it was lost.

Question then recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—64

Adamson.	Bedford.
Alsup.	Burns.
Baker.	Calvert.
Beck.	Camp.

Canon.	Metcalfe.
Cathey.	Moffett.
Caven.	Moore.
Chastain.	Morrison.
Cowley.	Morse.
Daniel.	Munson.
Devall.	Parkhouse.
Engelhard.	Patterson.
Fain.	Pavlica.
Ford.	Ramsey.
Golson.	Ratliff.
Good.	Renfro.
Graves.	Roberts.
Greathouse.	Rogers of Hunt.
Griffith.	Ross.
Head.	Scarborough.
Hodges.	Scott.
Hoskins.	Shults.
Hughes.	Smith.
James.	Steward.
Jones of Runnels.	Stinson.
Jones of Shelby.	Stovall.
Kyle of Hays.	Tarwater.
Long.	Townsend.
Mackay.	Van Zandt.
Magee.	Vaughan.
McClain.	Weinert.
McGregor.	Winningham.

Nays—50

Alexander.	Lindsey.
Anderson	Lotief.
of Johnson.	Mathis.
Bourne.	McCullough.
Clayton.	McDougald.
Crossley.	McKee.
Dunagan.	Merritt.
Dwyer.	Mitcham.
Few.	Pope.
Fuchs.	Puryear.
Glass.	Ray.
Haag.	Reed of Bowie.
Hankamer.	Reed of Dallas.
Harris.	Riddle.
Hester.	Rogers
Holekamp.	of Ochiltree.
Holland.	Shannon.
Huddleston.	Stanfield.
Hunt.	Sullivant.
Hyder.	Thomas.
Jackson.	Tillery.
Jefferson.	Turlington.
Kyle of Palo Pinto.	Wagstaff.
Laird.	Walker.
Latham.	Wells.
Leonard.	Wood.

Present—Not Voting

Goodman.	Rollins.
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Absent

Anderson	Bradley.
of Bexar.	Butler.
Barrett.	Celaya.
Barron.	Colson.

Coombes.	Johnson
Davidson.	of Anderson.
Dean.	Jones of Atascosa.
Dunlap.	Kayton.
Duvall.	Nicholson.
Harman.	Palmer.
Harrison.	Russell.
Hartzog.	Savage.
Hicks.	Tennyson.
Hill of Brazoria.	Young.
Holloway.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

Mr. Moore moved to reconsider the vote by which the resolution was adopted.

Mr. McGregor moved to table the motion to reconsider.

Question—Shall the motion to table prevail?

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Johnson of Anderson:

H. B. No. 947, A bill to be entitled "An Act repealing all local or special laws, affecting the taking or sale of fish, in so far as they pertain to Anderson County; and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Engelhard:

H. B. No. 948, A bill to be entitled "An Act making appropriation to pay miscellaneous claims against the State of Texas, and authorizing payment of said miscellaneous claims upon taking effect of this Act; providing as to how such claims shall be paid; and declaring an emergency."

Referred to Committee on Claims and Accounts.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 62, A bill to be entitled "An Act defining the meaning of practicing law and prohibiting corporations and all other persons or associations from practicing law in Texas except licensed attorneys of the Bar of Texas, and providing penalties for violation of this Act, and making any agreement in violation of this Act illegal and unenforceable, and prohibiting the recovery of any compensation rendered in violation of this Act, and declaring an emergency."

S. B. No. 504, A bill to be entitled "An Act to prevent fraud and deception in the sale, and offering for sale, of rebuilt electric storage batteries; and prescribing penalties for the violation thereof."

S. B. No. 566, A bill to be entitled "An Act to amend Sections 1, 2, and 6, Chapter 148, of the General Laws, passed by the Forty-second Legislature at its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas State Parks Board, separately, or in co-operation with each other, to acquire by gift or purchase land for public parks; providing that lands to be acquired by any such city to be used for public parks and playgrounds, may be situated within or without its corporate limits, in the discretion of the governing body thereof, but within the county in which such city is situated; authorizing the issuance of bonds by any such city for park purposes; adding to said Chapter 148, a new Section, to be called Section 2-a, legalizing, approving, and validating bonds voted by any city or town for the purpose of purchasing and improving lands for a public park in and for said city or town, and the levy of the tax in payment of such bonds under authority of Chapter 148, of the General Laws, passed at the Regular Session of the Forty-second Legislature; and which bonds have been approved by the Attorney General and registered by the Comptroller; authorizing the governing body of any such city or town to adopt all orders, resolutions, and ordinances, and to do all other and further acts necessary in the issuance or sale of such bonds; authorizing such governing body to levy a direct general ad valorem tax on all taxable property in said city or town for the purpose of paying

the interest on and principal of such bonds; prescribing the maximum tax that may be levied in payment of bonds issued by cities and towns for park purposes; providing that nothing herein shall be construed as a repeal of any special charter, but that the provisions hereof shall be cumulative of any such special charter; repealing all provisions of the general statutes in conflict herewith, and particularly repealing House Bill No. 104, passed at the present session of this Legislature, and which was approved and effective on April 17, 1933; declaring the legislative intent in respect of the enactment of said Chapter 148, of the General Laws of the Forty-second Legislature, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 62, to the Committee on Judiciary.

Senate Bill No. 566, to the Committee on Municipal and Private Corporations.

Senate Bill No. 504, to the Committee on Criminal Jurisprudence.

Senate Bill No. 513, to the Committee on Judiciary.

RECESS

On motion of Mr. Anderson of Bexar, the House, at 12:10 o'clock p. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

MOTION FOR SPECIAL ORDER

Mr. Engelhard moved that Senate Bill No. 183 be set as a special order for 11 o'clock a. m., tomorrow.

The motion was lost.

RELATIVE TO VENUE OF SUITS BROUGHT AGAINST THE STATE OF TEXAS

The House resumed consideration of pending business, same being

H. C. R. No. 70, Relative to venue of suits brought against the State;

The resolution having heretofore been read second time, with motion by Mr. Moore to reconsider the vote by which the resolution was adopted, and motion by Mr. McGregor to table the motion to reconsider, pending.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—48

Adamson.	Magee.
Alsup.	McClain.
Baker.	McGregor.
Barrett.	Moffett.
Burns.	Morrison.
Butler.	Munson.
Calvert.	Nicholson.
Caven.	Parkhouse.
Chastain.	Pavlica.
Coombes.	Ratliff.
Cowley.	Roberts.
Daniel.	Rogers of Hunt.
Devall.	Ross.
Dunagan.	Scarborough.
Fain.	Scott.
Ford.	Shults.
Graves.	Smith.
Griffith.	Steward.
Hodges.	Stinson.
Hughes.	Stovall.
James.	Tennyson.
Kayton.	Townsend.
Kyle of Hays.	Vaughan.
Long.	Winningham.

Nays—57

Alexander.	Haag.
Anderson	Hankamer.
of Bexar.	Harris.
Bedford.	Hester.
Bourne.	Hicks.
Canon.	Holekamp.
Cathey.	Hunt.
Celaya.	Hyder.
Clayton.	Jackson.
Davidson.	Jones of Runnels.
Engelhard.	Jones of Shelby.
Few.	Kyle of Palo Pinto.
Fuchs.	Laird.
Glass.	Latham.
Golson.	Leonard.
Goodman.	Lindsey.
Greathouse.	Lotief.

Mackay.	Rollins.
McCullough.	Shannon.
Merritt.	Stanfield.
Mitcham.	Sullivant.
Moore.	Thomas.
Pope.	Tillery.
Puryear.	Turlington.
Ray.	Wagstaff.
Reed of Bowie.	Walker.
Reed of Dallas.	Wells.
Renfro.	Wood.
Rogers	Young.
of Ochiltree.	

Absent

Anderson	Hoskins.
of Johnson.	Huddleston.
Barron.	Jefferson.
Beck.	Johnson
Bradley.	of Anderson.
Camp.	Jones of Atascosa.
Colson.	Mathis.
Crossley.	McDougald.
Dean.	McKee.
Dunlap.	Metcalfe.
Duvall.	Morse.
Dwyer.	Palmer.
Good.	Patterson.
Harman.	Ramsey.
Harrison.	Riddle.
Hartzog.	Russell.
Head.	Savage.
Hill of Brazoria.	Tarwater.
Holland.	Van Zandt.
Holloway.	Weinert.

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

Question then recurring on the motion to reconsider the vote by which the resolution was adopted, it prevailed.

Mr. Pope offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 70 by adding the following:

"The State of Texas, in the trial of such cases, shall not be permitted to take advantages of any legal technicalities to defeat recovery where the facts show a meritorious claim against the State, or any Department thereof, but the trial shall be according to the laws covering trials and procedure between private parties."

Mr. Calvert raised a point of order on further consideration of the amendment by Mr. Pope, on the ground that the amendment seeks to change an existing law by a resolution.

The Speaker overruled the point of order.

Mr. Moore offered the following amendment to the resolution:

Amend the resolution by striking out the resolving clause.

The amendment by Mr. Moore was lost by the following vote:

Yeas—52

Alexander.	Lindsey.
Anderson	Lotief.
of Bexar.	Mackay.
Baker.	Mathis.
Bedford.	McCullough.
Bourne.	McDougald.
Bradley.	McKee.
Celaya.	Merritt.
Clayton.	Mitcham.
Colson.	Moore.
Davidson.	Puryear.
Few.	Ray.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Goodman.	Renfro.
Hankamer.	Rogers
Harman.	of Ochiltree.
Hartzog.	Shannon.
Hester.	Stanfield.
Holekamp.	Sullivant.
Holland.	Tennyson.
Hoskins.	Thomas.
Hyder.	Turlington.
Jackson.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Latham.	Wells.
Leonard.	Wood.

Nays—57

Adamson.	Johnson
Alsup.	of Anderson.
Barrett.	Jones of Atascosa.
Beck.	Jones of Runnels.
Burns.	Jones of Shelby.
Calvert.	Kayton.
Canon.	Kyle of Hays.
Cathey.	Long.
Caven.	Magee.
Chastain.	McClain.
Cowley.	McGregor.
Crossley.	Metcalfe.
Daniel.	Moffett.
Devall.	Morrison.
Engelhard.	Munson.
Fain.	Nicholson.
Ford.	Palmer.
Golson.	Parkhouse.
Graves.	Ramsey.
Greathouse.	Ratliff.
Griffith.	Rogers of Hunt.
Hodges.	Rollins.
Hughes.	Ross.
Hunt.	Scarborough.
James.	Scott.

Shults.	Tarwater.
Smith.	Townsend.
Steward.	Vaughan.
Stinson.	Winningham.

Absent

Anderson	Holloway.
of Johnson.	Huddleston.
Barron.	Jefferson.
Butler.	Laird.
Camp.	Morse.
Coombes.	Patterson.
Dean.	Pavlica.
Dunlap.	Pope.
Dunagan.	Riddle.
Duvall.	Roberts.
Dwyer.	Russell.
Good.	Savage.
Haag.	Stovall.
Harris.	Tillery.
Harrison.	Van Zandt.
Head.	Weinert.
Hicks.	Young.
Hill of Brazoria.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

Mr. Greathouse moved to table the amendment by Mr. Pope.

The motion to table prevailed.

Question then recurring on the resolution, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 58; nays, 59.

Mr. McGregor called for a verification of the vote.

The roll of the yeas and nays was then called and the verified vote announced as follows:

Yeas—56

Adamson.	Engelhard.
Alsup.	Fain.
Baker.	Ford.
Barrett.	Good.
Beck.	Graves.
Burns.	Griffith.
Calvert.	Head.
Canon.	Hicks.
Caven.	Hodges.
Chastain.	Hughes.
Coombes.	James.
Cowley.	Jones of Atascosa.
Crossley.	Kayton.
Daniel.	Kyle of Hays.
Devall.	Long.

Magee.	Roberts.
McClain.	Rogers of Hunt.
McGregor.	Ross.
Metcalfe.	Russell.
Mitcham.	Shults.
Moffett.	Smith.
Morrison.	Steward.
Munson.	Stinson.
Nicholson.	Tarwater.
Parkhouse.	Townsend.
Pavlica.	Vaughan.
Ramsey.	Weinert.
Ratliff.	Winningham.

Nays—60

Alexander.	Latham.
Anderson	Leonard.
of Bexar.	Lindsey.
Bedford.	Lotief.
Bourne.	Mackay.
Cathey.	Mathis.
Celaya.	McCullough.
Clayton.	McDougald.
Colson.	McKee.
Davidson.	Merritt.
Few.	Moore.
Fuchs.	Palmer.
Glass.	Pope.
Golson.	Ray.
Goodman.	Reed of Bowie.
Greathouse.	Reed of Dallas.
Haag.	Renfro.
Hankamer.	Rogers
Harris.	of Ochiltree.
Hartzog.	Rollins.
Hester.	Shannon.
Holekamp.	Stanfield.
Holland.	Stovall.
Holloway.	Tennyson.
Hoskins.	Thomas.
Hunt.	Tillery.
Hyder.	Turlington.
Jackson.	Wagstaff.
Johnson	Walker.
of Anderson.	Wells.
Jones of Runnels.	Wood.
Jones of Shelby.	

Present—Not Voting

Anderson of Johnson.

Absent

Barron.	Jefferson.
Bradley.	Kyle of Palo Pinto.
Butler.	Laird.
Camp.	Morse.
Dean.	Patterson.
Dunlap.	Puryear.
Dunagan.	Riddle.
Duvall.	Savage.
Dwyer.	Scarborough.
Harman.	Scott.
Harrison.	Sullivant.
Hill of Brazoria.	Van Zandt.
Huddleston.	Young.

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

The Speaker announced that the resolution was lost.

Mr. Greathouse moved to reconsider the vote by which the resolution was lost.

Mr. Moore moved to table the motion to reconsider.

The motion to table was lost by the following vote:

Yeas—51

Alexander.	Leonard.
Anderson	Lindsey.
of Johnson.	Lotief.
Bedford.	Mackay.
Bourne.	Mathis.
Clayton.	McCullough.
Davidson.	McKee.
Dunagan.	Merritt.
Few.	Mitcham.
Fuchs.	Moore.
Hankamer.	Nicholson.
Harris.	Palmer.
Harrison.	Patterson.
Hartzog.	Puryear.
Hester.	Ray.
Holekamp.	Reed of Bowie.
Holland.	Reed of Dallas.
Holloway.	Renfro.
Hoskins.	Rogers
Huddleston.	of Ochiltree.
Hunt.	Rollins.
Hyder.	Shannon.
Jackson.	Turlington.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Wells.
Laird.	Wood.
Latham.	

Nays—57

Adamson.	Good.
Alsup.	Graves.
Barrett.	Greathouse.
Beck.	Griffith.
Burns.	Head.
Calvert.	Hicks.
Canon.	Hodges.
Caven.	Hughes.
Chastain.	James.
Coombes.	Johnson
Cowley.	of Anderson.
Crossley.	Jones of Atascosa.
Daniel.	Kyle of Hays.
Devall.	Long.
Engelhard.	Magee.
Fain.	McClain.
Ford.	McDougald.
Golson.	McGregor.

Metcalfe.	Russell.
Moffett.	Shults.
Morrison.	Smith.
Munson.	Steward.
Parkhouse.	Stinson.
Pavlica.	Stovall.
Ramsey.	Thomas.
Ratliff.	Vaughan.
Roberts.	Weinert.
Rogers of Hunt.	Winningham.
Ross.	Young.

Present—Not Voting

Glass.

Absent

Anderson	Jefferson.
of Bexar.	Kayton.
Baker.	Kyle of Palo Pinto.
Barron.	Morse.
Bradley.	Pope.
Butler.	Riddle.
Camp.	Savage.
Cathey.	Scarborough.
Celaya.	Scott.
Colson.	Stanfield.
Dean.	Sullivan.
Dunlap.	Tarwater.
Duvall.	Tennyson.
Dwyer.	Tillery.
Goodman.	Townsend.
Haag.	Van Zandt.
Harman.	Walker.
Hill of Brazoria.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

Question then recurring on the motion to reconsider the vote by which the resolution was lost, it was lost by the following vote:

Yeas—55

Adamson.	Good.
Alsup.	Graves.
Baker.	Greathouse.
Barrett.	Griffith.
Beck.	Harman.
Burns.	Head.
Calvert.	Hicks.
Canon.	Hodges.
Caven.	Hughes.
Chastain.	James.
Coombes.	Johnson
Cowley.	of Anderson.
Crossley.	Jones of Atascosa.
Devall.	Kyle of Hays.
Engelhard.	Long.
Fain.	McClain.
Ford.	McGregor.
Golson.	Metcalfe.

Moffett.	Ross.
Morrison.	Russell.
Munson.	Shults.
Nicholson.	Smith.
Parkhouse.	Steward.
Patterson.	Stinson.
Pavlica.	Townsend.
Ramsey.	Vaughan.
Ratliff.	Weinert.
Roberts.	Winningham.

Nays—61

Alexander.	Lindsey.
Anderson	Lotief.
of Johnson.	Mackay.
Barron.	Magee.
Bedford.	Mathis.
Bourne.	McCullough.
Celaya.	McDougald.
Clayton.	McKee.
Colson.	Merritt.
Davidson.	Mitcham.
Dunagan.	Moore.
Few.	Palmer.
Fuchs.	Pope.
Haag.	Puryear.
Hankamer.	Ray.
Harris.	Reed of Bowie.
Harrison.	Reed of Dallas.
Hartzog.	Renfro.
Hester.	Rogers of Hunt.
Holekamp.	Rogers
Holland.	of Ochiltree.
Holloway.	Rollins.
Huddleston.	Shannon.
Hunt.	Stanfield.
Hyder.	Thomas.
Jackson.	Tillery.
Jones of Runnels.	Turlington.
Jones of Shelby.	Wagstaff.
Kayton.	Wells.
Laird.	Wood.
Latham.	Young.
Leonard.	

Present—Not Voting

Glass.	Stovall.
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Absent

Anderson	Hoskins.
of Bexar.	Jefferson.
Bradley.	Kyle of Palo Pinto.
Butler.	Morse.
Camp.	Riddle.
Cathey.	Savage.
Daniel.	Scarborough.
Dean.	Scott.
Dunlap.	Sullivant.
Duvall.	Tarwater.
Dwyer.	Tennyson.
Goodman.	Van Zandt.
Hill of Brazoria.	Walker.

Absent—Excused

Aikin.	Fisher.
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Hill of Webb.	Lemens.
Johnson	Reader.
of Dimmit.	

BILLS AND RESOLUTIONS
SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 329, "An Act to amend Sections 7, 20, 23, and 24 of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, and Sections 16 and 17 of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, as amended by Chapter 15, General Laws, Forty-first Legislature, Fifth Called Session, and Section 28 of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, as amended by Chapter 62, General Laws, Forty-first Legislature, Second Called Session, relating to regulating the avocation and art of barbering, prescribing such sanitary rules and regulations in order to insure the proper sanitary conditions, and to prevent the spreading of diseases, etc., and declaring an emergency."

H. B. No. 260, "An Act amending Article 791 of the Penal Code, providing that Section 8, of Article 827-a, of the Acts of 1929, Forty-first Legislature, Second Called Session, page 72, Chapter 42, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 507, Chapter 282, relating to the speed of motor vehicles, shall not apply to fire patrols or motor vehicles operated by the fire department of any city, town, or village responding to calls, nor to police patrols, or physicians, and/or ambulances responding to emergency calls; and providing that incorporated cities and towns may, by ordinance, regulate the speed of ambulances, and declaring an emergency."

H. B. No. 333, "An Act amending Article 2020 of the Revised Civil Statutes, 1925, with respect to the record in causes where a plea of privilege is sustained, providing for severable causes, and requiring amended pleadings to conform to court's ruling, and declaring an emergency."

H. B. No. 887, "An Act providing for rural school supervisors in certain counties, in lieu of teachers' institutes; prescribing the duties of said supervisors, and how it shall be paid; prescribing other things incidental to said purpose; and declaring an emergency."

H. B. No. 893, "An Act providing for the taking of fish from the fresh waters of Cooke County, Texas, and making it unlawful to take any such fish except by ordinary hook and line, or by seine, or net, the mesh of which is less than one and one-half inches square; providing that seines and nets may be used only during the month of August, etc.; and declaring an emergency."

H. B. No. 475, "An Act amending Section 28, of Chapter 212, Acts of Regular Session, Fortieth Legislature; and declaring an emergency." (Relating to discharge of prisoners.)

H. B. No. 938, "An Act amending Article 1456, of the Penal Code of the State of Texas, 1925, so as not to exempt Jasper and Newton Counties from the provisions of certain articles of the Penal Code; and declaring an emergency." (Relative to hide inspections, etc.)

H. B. No. 903, "An Act designating fur-bearing animals; declaring them the property of the State; declaring a five-year closed season on wild fox in Van Zandt County, and providing a penalty for violation of this Act, etc."

H. B. No. 895, "An Act making it unlawful for any person to hunt, trap, kill, or attempt to kill, by any means whatsoever, any wild turkey in the Counties of Guadalupe and Comal for a period of five (5) years, etc.; and declaring an emergency."

H. B. No. 934, "An Act conferring additional powers on the boards of trustees of independent school districts situated in counties having a population, according to the latest Federal Census, of more than 22,000 and less than 22,100, by providing that the boards of trustees of such districts may issue refunding warrants in lieu of eligible vouchers as defined herein, issued prior to January 1, 1932, prescribing the duties of the boards of trustees in reference to

the issuance of said refunding warrants, expressly authorizing and validating said outstanding eligible vouchers and refunding warrants issued in lieu thereof; etc.; and declaring an emergency."

H. C. R. No. 83, Authorizing the State Comptroller, with the State Board of Control and the Superintendent of the State Orphans Home, to pay some of said four teachers of the State Orphans Home at Corsicana not exceeding \$80 per month, provided the total expended shall not exceed \$2,880. Appropriated aforesaid for four teachers per year.

H. C. R. No. 95, Authorizing certain correction in House Concurrent Resolution No. 66.

H. C. R. No. 66, Granting A. C. Reissig and others permission to sue the State.

S. C. R. No. 39, Granting A. A. Ostermayer permission to sue the State.

S. C. R. No. 58, Relative to relief work in Texas.

S. C. R. No. 63, Relative to a treaty between the Dominion of Canada and the United States relating to the proposed St. Lawrence Waterway.

S. C. R. No. 67, Relative to appropriation reductions.

S. C. R. No. 69, Granting the Hon. Few Brewster permission to leave the State.

S. C. R. No. 70, Providing that trucks of the State Highway Department shall be loaned to the Reconstruction Finance Corporation.

S. C. R. No. 73, Urging Federal Government to purchase certain lands for relief work in Texas.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on House Bill No. 303 by the following vote: Yeas, 30; nays, 0.

By authority of Senate Concurrent Resolution No. 67, the Senate has ap-

pointed the following committee: Senators Holbrook, Beck, Woodward, Redditt, and Woodruff.

The Senate has passed

S. B. No. 130, A bill to be entitled "An Act fixing the number and length of terms of district courts in Texas, and prescribing rules of practice and procedure by specifying the requisites of citations issued out of district courts; specifying the manner and time for serving citations and making returns thereof, making demands for juries and payment and amount of jury fees; governing the assessment of damages in uncontested cases on liquidated and unliquidated claims; specifying the time for appearance and answer in such district courts; specifying rules for amending pleadings and setting cases for trial; prescribing rules for all courts except those governed by Article 2092, Revised Civil Statutes; governing the filing of pleas of privilege contests and hearing of such pleas of privilege; filing original and amended motions for new trial and hearings on same; providing time for filing appeal bonds and effective dates of judgments; providing for the selection of juries and for repeal of laws in conflict herewith; and declaring an emergency."

The Senate has adopted

H. C. R. No. 98, Directing the Enrolling Clerk of the House to make certain correction in caption of House Bill No. 459.

H. C. R. No. 95, Instructing the Enrolling Clerk of the House to make certain corrections in House Concurrent Resolution No. 66.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 324 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 324, A bill to be entitled "An Act appropriating the sum of twelve thousand two hundred and fifty dollars (\$12,250), or so much thereof as may be necessary, for expenses of investigation, preparation, and prosecution of suit against the State of

New Mexico for wrongful and inequitable diversion of the waters of the Pecos River; and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—64

Alsup.	Latham.
Anderson	Mackay.
of Johnson.	Magee.
Baker.	McCullough.
Bedford.	McDougald.
Bourne.	Merritt.
Calvert.	Metcalfe.
Celaya.	Mitcham.
Clayton.	Moffett.
Coombes.	Moore.
Cowley.	Morse.
Dean.	Nicholson.
Engelhard.	Parkhouse.
Ford.	Pavlica.
Fuchs.	Ratliff.
Glass.	Reed of Dallas.
Golson.	Renfro.
Good.	Rogers
Goodman.	of Ochiltree.
Greathouse.	Rollins.
Haag.	Scott.
Hankamer.	Shannon.
Harman.	Smith.
Hartzog.	Stanfield.
Head.	Steward.
Holekamp.	Tarwater.
Hoskins.	Thomas.
Hughes.	Townsend.
Hyder.	Turlington.
Jackson.	Van Zandt.
James.	Wagstaff.
Jones of Atascosa.	Walker.
Laird.	Weinert.

Nays—41

Adamson.	Long.
Alexander.	Lotief.
Barrett.	McClain.
Beck.	McKee.
Burns.	Morrison.
Canon.	Munson.
Crossley.	Patterson.
Daniel.	Pope.
Davidson.	Puryear.
Devall.	Ramsey.
Fain.	Ray.
Harris.	Reed of Bowie.
Harrison.	Roberts.
Hicks.	Russell.
Hodges.	Shults.
Hunt.	Sullivan.
Johnson	Tillery.
of Anderson.	Vaughan.
Jones of Runnels.	Winningham.
Kayton.	Wood.
Lindsey.	Young.

Absent

Anderson	Holloway.
of Bexar.	Huddleston.
Barron.	Jefferson.
Bradley.	Jones of Shelby.
Butler.	Kyle of Hays.
Camp.	Kyle of Palo Pinto.
Cathey.	Leonard.
Caven.	Mathis.
Chastain.	McGregor.
Colson.	Palmer.
Dunlap.	Riddle.
Dunagan.	Rogers of Hunt.
Duvall.	Ross.
Dwyer.	Savage.
Few.	Scarborough.
Graves.	Stinson.
Griffith.	Stovall.
Hester.	Tennyson.
Hill of Brazoria.	Wells.
Holland.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

HOUSE BILL NO. 528 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 528, A bill to be entitled "An Act providing relief for the Flat Creek Common School District of Henderson County, Texas, in order to aid said school district in rebuilding and equipping its school, destroyed by fire, on or about January 20, 1933; making an appropriation for said purpose; and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—62

Alsop.	Greathouse.
Baker.	Haag.
Bourne.	Hankamer.
Burns.	Head.
Butler.	Hicks.
Canon.	Hill of Webb.
Celaya.	Holekamp.
Clayton.	Hoskins.
Cowley.	Hughes.
Daniel.	Hyder.
Dwyer.	Johnson
Engelhard.	of Anderson.
Few.	Laird.
Ford.	Latham.
Fuchs.	Long.
Glass.	Mackay.
Golson.	Magee.

McClain.	Rollins.
McDougald.	Scarborough.
Metcalfe.	Stanfield.
Mitcham.	Steward.
Moore.	Tennyson.
Morrison.	Thomas.
Morse.	Tillery.
Munson.	Townsend.
Pavlica.	Turlington.
Ramsey.	Van Zandt.
Ratliff.	Wagstaff.
Ray.	Wells.
Reed of Dallas.	Wood.
Renfro.	Young.
Roberts.	

Nays—39

Adamson.	Lindsey.
Alexander.	Lotief.
Anderson	Mathis.
of Johnson.	Merritt.
Barrett.	Moffett.
Beck.	Nicholson.
Cathey.	Parkhouse.
Coombes.	Puryear.
Crossley.	Reed of Bowie.
Dean.	Rogers of Hunt.
Devall.	Rogers
Dunagan.	of Ochiltree.
Fain.	Russell.
Good.	Scott.
Graves.	Shults.
Griffith.	Stovall.
Harrison.	Sullivant.
Jackson.	Vaughan.
James.	Weinert.
Jones of Runnels.	Winningham.
Kayton.	

Present—Not Voting

McKee.

Absent

Anderson	Huddleston.
of Bexar.	Hunt.
Barron.	Jefferson.
Bedford.	Jones of Atascosa.
Bradley.	Jones of Shelby.
Calvert.	Kyle of Hays.
Camp.	Kyle of Palo Pinto.
Caven.	Leonard.
Chastain.	McCullough.
Colson.	McGregor.
Davidson.	Palmer.
Dunlap.	Patterson.
Duvall.	Pope.
Goodman.	Riddle.
Harman.	Ross.
Harris.	Savage.
Hartzog.	Shannon.
Hester.	Smith.
Hodges.	Stinson.
Holland.	Tarwater.
Holloway.	Walker.

Absent—Excused

Aikin.	Fisher.
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Hill of Brazoria. Lemens.
Johnson Reader.
of Dimmit.

HOUSE BILL NO. 666 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 666, A bill to be entitled "An Act providing relief for the Agricultural and Mechanical College Substation No. 3, located in Brazoria County, Texas, in order to add necessary repairs, and reconstruct all property and equipment destroyed by the great hurricane which swept over the vicinity of said Substation on August 13, 1932; making an appropriation to said Agricultural and Mechanical College Substation No. 3, for said purposes, and creating an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—73

Alexander.	Laird.
Alsup.	Long.
Anderson	Mackay.
of Bexar.	Magee.
Anderson	Mathis.
of Johnson.	McClain.
Baker.	McDougald.
Bourne.	McGregor.
Butler.	McKee.
Cathey.	Metcalfe.
Celaya.	Mitcham.
Clayton.	Moffett.
Cowley.	Moore.
Daniel.	Morrison.
Davidson.	Morse.
Dean.	Munson.
Dunlap.	Nicholson.
Dwyer.	Patterson.
Engelhard.	Pavlica.
Few.	Ray.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Roberts.
Golson.	Rogers
Greathouse.	of Ochiltree.
Griffith.	Rollins.
Haag.	Ross.
Hankamer.	Smith.
Harrison.	Stanfield.
Hartzog.	Steward.
Hicks.	Tarwater.
Hill of Webb.	Thomas.
Holekamp.	Townsend.
Holloway.	Van Zandt.
Hoskins.	Wagstaff.
Hughes.	Weinert.
Hyder.	Wells.
James.	Young.

Nays—36

Adamson.	Merritt.
Barrett.	Parkhouse.
Beck.	Puryear.
Canon.	Ramsey.
Coombes.	Ratliff.
Crossley.	Reed of Bowie.
Devall.	Riddle.
Dunagan.	Rogers of Hunt.
Fain.	Russell.
Good.	Scott.
Graves.	Shults.
Harris.	Stinson.
Huddleston.	Stovall.
Hunt.	Sullivant.
Jackson.	Turlington.
Jones of Runnels.	Vaughan.
Kayton.	Winningham.
Lotief.	Wood.

Present—Not Voting

Goodman.

Absent

Barron.	Jones of Atascosa.
Bedford.	Jones of Shelby.
Bradley.	Kyle of Hays.
Burns.	Kyle of Palo Pinto.
Calvert.	Latham.
Camp.	Leonard.
Caven.	Lindsey.
Chastain.	McCullough.
Colson.	Palmer.
Duvall.	Pope.
Harman.	Savage.
Head.	Scarborough.
Hester.	Shannon.
Hodges.	Tennyson.
Holland.	Tillery.
Jefferson.	Walker.
Johnson	
of Anderson.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Brazoria.	Lemens.
	Reader.

HOUSE BILL NO. 832 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 832, A bill to be entitled "An Act creating the Texas Athletic Commission, which shall have sole jurisdiction over all ring exhibitions in the State, said Commission to consist of three members, appointed by the Governor, and fixing the terms of office at two years; providing the method of filling vacancies; provid-

ing for the maintenance of an office, the selection of a chairman and a secretary, and the number that shall constitute a quorum; fixing the yearly salaries, and from what funds such salaries shall be paid; providing for the appointment of a secretary to the Commission, prescribing his duties, and fixing his salary; fixing the time for the first meeting and organization of the Commission, the adoption of a seal for the Commission, etc., and declaring an emergency."

The bill was read third time.

Mr. Sullivant moved the previous question on the passage of the bill, and the main question was ordered.

House Bill No. 832 was then passed by the following vote:

Yeas—72

Alexander.	James.
Anderson	Jefferson.
of Bexar.	Johnson
Barrett.	of Anderson.
Beck.	Jones of Shelby.
Bedford.	Kayton.
Butler.	Laird.
Calvert.	Latham.
Caven.	Long.
Celaya.	Mackay.
Clayton.	Mathis.
Coombes.	McClain.
Cowley.	McCullough.
Crossley.	McGregor.
Daniel.	McKee.
Davidson.	Moore.
Devall.	Morse.
Dunagan.	Munson.
Dwyer.	Nicholson.
Engelhard.	Parkhouse.
Ford.	Patterson.
Fuchs.	Pavlica.
Glass.	Pope.
Good.	Ramsey.
Greathouse.	Reed of Dallas.
Griffith.	Renfro.
Haag.	Riddle.
Hankamer.	Roberts.
Harrison.	Rogers
Hartzog.	of Ochiltree.
Hicks.	Russell.
Hill of Brazoria.	Scarborough.
Holland.	Stanfield.
Holloway.	Stinson.
Hoskins.	Van Zandt.
Hughes.	Weinert.
Hyder.	Young.
Jackson.	

Nays—56

Adamson.	Baker.
Alsup.	Bourne.
Anderson	Bradley.
of Johnson.	Burns.

Canon.	Morrison.
Cathey.	Purveyer.
Chastain.	Ratliff.
Colson.	Ray.
Dean.	Reed of Bowie.
Fain.	Rogers of Hunt.
Few.	Rollins.
Golson.	Ross.
Goodman.	Scott.
Graves.	Shults.
Harris.	Smith.
Head.	Steward.
Hester.	Stovall.
Hodges.	Sullivant.
Holekamp.	Tarwater.
Huddleston.	Tennyson.
Hunt.	Thomas.
Jones of Runnels.	Tillery.
Lindsey.	Townsend.
Lotief.	Turlington.
Magee.	Vaughan.
McDougald.	Wagstaff.
Merritt.	Wells.
Metcalfe.	Wood.
Mitcham.	

Absent

Barron.	Leonard.
Camp.	Moffett
Dunlap.	Palmer.
Duvall.	Savage.
Harman.	Shannon.
Jones of Atascosa.	Walker.
Kyle of Hays.	Winningham.
Kyle of Palo Pinto.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

Mr. Anderson of Bexar moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 144 ON SECOND READING

Mr. Van Zandt moved to take up, for consideration at this time, House Bill No. 144, which bill had heretofore been laid on the table subject to call.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 144, A bill to be entitled "An Act to amend Articles 6050, 6058, 6059, as amended, 6060, as amended, 6066, as amended, Revised Civil Statutes of Texas,

1925, and by adding Articles 6058-a and 6058-b, so as to more clearly define 'gas utility,' and to prohibit the raising of gas rates in unincorporated towns and in incorporated towns of less than 500 population, and of rural subscribers without notice and hearing; etc., and declaring an emergency."

The bill was read second time.

On motion of Mr. Van Zandt further consideration of the bill was postponed until 10 o'clock a. m., next Friday.

HOUSE BILL NO. 176 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 176, A bill to be entitled "An Act making an appropriation to reimburse persons, firms, and corporations for losses sustained during the years of 1929 through 1932 by reason of the establishment by the State of Texas of regulated and restricted zones in certain areas of the State requiring such persons, firms, and corporations to pay money for the sterilization of seed and the fumigation of cotton, etc., and declaring an emergency."

The bill was read second time.

Mr. Engelhard offered the following committee amendment to the bill:

Amend House Bill No. 176, Section 1, by striking out all of said Section after the figures "\$500,000," and substituting the following: "or so much thereof as may be necessary is hereby appropriated out of the General Fund of the State of Texas, not otherwise appropriated, to reimburse the growers and producers of cotton for expenses incurred during the years from 1929 through 1932, by reason of the establishment by the State of Texas of regulations requiring such growers and producers of cotton to pay for fumigation of cotton and sterilization of seed; all of which was done to prevent the spread of the pink bollworm; and also to pay the expenses of the Compensation Claim Board in carrying out the provisions of this Act; provided, no claim shall be paid out of this fund unless same has been allowed by the Compensation Claim Board, or by a final judgment as provided for in Chapter 3, Title 4,

Revised Civil Statutes, 1925, and as provided for in Chapter 42, Acts of the Regular Session, Forty-first Legislature."

The amendment was adopted.

Mr. Engelhard offered the following amendment to the bill:

Amend House Bill No. 176 by adding a new Section, to be known as Section 3, and renumbering the subsequent Sections in accordance therewith:

"Section 3. It is further provided that should the sum herein appropriated be insufficient to pay the claims of all growers and producers of cotton in full, then the sum appropriated shall be prorated among the growers and producers of cotton, and each such grower or producer shall receive that proportion of the total appropriation that his individual claim bears to the total claim approved by the Compensation Board. Upon the receipt of such sum of money the claims of all growers and producers of cotton shall be considered to have been fully paid, and each person so receiving such sum of money shall give to the Compensation Board a receipt for the full payment of his claim against the State of Texas."

The amendment was adopted.

Mr. Engelhard offered the following amendment to the bill:

Amend House Bill No. 176 by adding, at the end of Section 3, the following:

"No part of money herein appropriated to reimburse farmers for expenses incident to the establishment of regulated pink bollworm zones shall be paid directly or indirectly for commission or fees to any person or persons for securing the passage of this bill or for services before committees or with Members of the Legislature to secure its passage."

The amendment was adopted.

Mr. Engelhard offered the following committee amendment to the bill:

Amend House Bill No. 176 by changing the caption to correspond to the body of the bill as amended.

The amendment was adopted.

Mr. Beck offered the following amendment to the bill:

Amend House Bill No. 176 by inserting two Sections, to be numbered as 2-a and 2-b, respectively; Sections 2-a and 2-b to read as follows:

"Section 2-a. There is hereby appropriated, out of the General Revenue of the State of Texas, the sum of five hundred thousand dollars (\$500,000), not otherwise appropriated, or so much thereof as may be necessary, for the purpose of reimbursing the general fund of the counties of Texas for moneys actually expended in the eradication and extermination of cattle ticks, prior to the year 1929.

"Section 2-b. In order to recover the funds so expended, it shall be necessary for the county commissioners court of each county hereby affected, to furnish the Comptroller of Public Accounts of this State a sworn itemized statement of expenses properly and regularly incurred in the eradication of ticks, including salaries and other expenses for local inspectors, labor, and material, and other expenses incident to the construction of dipping vats, expenses incurred in the purchase and distribution of dipping materials, and all other expenses incurred by such counties. Such itemized accounts shall be signed and attested by the county judge, one county commissioner, and the county auditor, and if there be no county auditor, then the county judge and the county commissioners of the county filing such claim. Such claim shall be prima facie evidence of the correctness, and same shall be allowed and paid on regular warrants by the State Treasurer and Comptroller of Public Accounts as are all other claims and accounts, provided, that such claims have been filed with the Comptroller of Public Accounts within two years after the taking effect of this Act."

BECK,
BURNS,
CROSSLEY,
REED of Bowie,
DANIEL,
McCLAIN,
RAMSEY.

Mr. Metcalfe raised a point of order on further consideration of the amendment by Mr. Beck, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Beck moved that Section 7, of Rule XX, be suspended, for the purpose of offering the above amendment.

The motion was lost.

Mr. Haag offered the following amendment to the bill:

Amend House Bill No. 176 by adding a new Section after Section 2, page 2, to be numbered Section 2-a, to read as follows:

"Section 2-a. If any section, clause, provision, or sentence in this Act contained should ever be held to be unconstitutional, such holding shall not affect the remaining portions of this Act, it being the intent of the Legislature that effect shall be given to so much of this Act as may be valid, even if a portion of this Act shall be held invalid."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Question—Shall the bill be passed to engrossment?

HOUSE BILL NO. 919 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 919, A bill to be entitled "An Act making appropriations to pay miscellaneous claims, and authorizing payment of said miscellaneous claims, on taking effect of this Act; and declaring an emergency."

The bill was read second time.

Mr. Beck offered the following amendment to the bill:

Amend House Bill No. 919 by inserting two Sections, to be numbered as Section 2 and Section 2-a, respectively, and renumber the subsequent Sections accordingly. Sections 2 and 2-a to read as follows:

"Section 2. There is hereby appropriated out of the General Revenue of the State of Texas the sum of five hundred thousand dollars (\$500,000), not otherwise appropriated, or so much thereof as may be necessary, for the purpose of reimbursing the General Fund of the Counties of Texas for moneys actually expended in the eradication and extermination of cattle ticks, prior to the year 1929.

"Section 2-a. In order to recover the funds so expended, it shall be necessary for the county commissioners court of each county hereby affected to furnish the Comptroller of Public

Accounts of this State a sworn itemized statement of expenses properly and regularly incurred in the eradication of ticks, including salaries and other expenses for local inspectors, labor, and material, and other expenses incident to the construction of dipping vats, expenses incurred in the purchase and distribution of dipping materials, and all other expenses incurred by such counties. Such itemized accounts shall be signed and attested by the county judge, one county commissioner, and the county auditor, and if there be no county auditor, then the county judge and the county commissioners, of the county filing such claim. Such claim shall be prima facie evidence of the correctness, and same shall be allowed and paid on regular warrants by the State Treasurer and Comptroller of Public Accounts as are all other claims and accounts; provided, that such claims have been filed with the Comptroller of Public Accounts within two years after the taking effect of this Act."

Signed—Beck, Burns, Daniel, Reed of Bowie, Crossley, McClain, Ramsey, Alsop, Russell.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—65

Alexander.	Hughes.
Alsop.	Hunt.
Baker.	Hyder.
Beck.	Jackson.
Bedford.	Jones of Atascosa.
Bourne.	Jones of Runnels.
Bradley.	Jones of Shelby.
Burns.	Laird.
Butler.	Mackay.
Calvert.	Mathis.
Canon.	McClain.
Cathey.	McCullough.
Celaya.	Merritt.
Clayton.	Metcalfe.
Crossley.	Morrison.
Daniel.	Munson.
Dunagan.	Parkhouse.
Golson.	Pavlica.
Good.	Ramsey.
Goodman.	Ray.
Griffith.	Reed of Bowie.
Haag.	Roberts.
Head.	Ross.
Hill of Brazoria.	Russell.
Hodges.	Scarborough.
Holland.	Smith.
Holloway.	Steward.
Hoskins.	Thomas.

Tillery.
Townsend.
Turlington.
Van Zandt.
Wagstaff.

Weinert.
Wells.
Wood.
Young.

Nays—37

Adamson.
Anderson
of Bexar.
Barrett.
Chastain.
Coombes.
Davidson.
Dean.
Devall.
Fain.
Few.
Fuchs.
Glass.
Greathouse.
Holekamp.
Huddleston.
James.
Johnson
of Anderson.
Kayton.

Kyle of Hays.
Lotief.
Magee.
Moffett.
Nicholson.
Patterson.
Pope.
Ratliff.
Reed of Dallas.
Rogers of Hunt.
Rogers
of Ochiltree.
Rollins.
Scott.
Shults.
Stanfield.
Stovall.
Tarwater.
Vaughan.
Winningham.

Absent

Anderson
of Johnson.
Barron.
Camp.
Caven.
Colson.
Cowley.
Dunlap.
Duvall.
Dwyer.
Engelhard.
Ford.
Graves.
Hankamer.
Harman.
Harris.
Harrison.
Hartzog.
Hester.
Hicks.
Jefferson.

Kyle of Palo Pinto.
Latham.
Leonard.
Lindsey.
Long.
McDougald.
McGregor.
McKee.
Mitcham.
Moore.
Morse.
Palmer.
Puryear.
Renfro.
Riddle.
Savage.
Shannon.
Stinson.
Sullivant.
Tennyson.
Walker.

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

Mr. Haag moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. McDougald offered the following amendment to the bill:

Amend House Bill No. 919, on page 7, line 40, by adding the following: "To pay Martin Brothers, Beaumont, Texas, for refund of gasoline tax, \$1,246.62."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—44

Bedford.	Jones of Shelby.
Burns.	Laird.
Calvert.	Mackay.
Clayton.	Mathis.
Crossley.	McClain.
Daniel.	McDougald.
Davidson.	McKee.
Ford.	Morrison.
Glass.	Munson.
Greathouse.	Nicholson.
Haag.	Pavlica.
Hankamer.	Pope.
Hartzog.	Ray.
Head.	Rollins.
Hicks.	Ross.
Hill of Brazoria.	Russell.
Holland.	Stanfield.
Hughes.	Steward.
Hyder.	Stinson.
Jackson.	Thomas.
James.	Townsend.
Johnson	Wagstaff.
of Anderson.	

Nays—55

Adamson.	Lotief.
Alexander.	Magee.
Alsup.	McCullough.
Anderson	Merritt.
of Johnson.	Moffett.
Baker.	Puryear.
Barrett.	Ramsey.
Bourne.	Ratliff.
Canon.	Reed of Bowie.
Cathey.	Reed of Dallas.
Celaya.	Renfro.
Chastain.	Roberts.
Cowley.	Rogers of Hunt.
Dean.	Rogers
Devall.	of Ochiltree.
Engelhard.	Scarborough.
Fain.	Smith.
Fuchs.	Stovall.
Golson.	Sullivant.
Griffith.	Tarwater.
Harris.	Tillery.
Hodges.	Turlington.
Hoskins.	Van Zandt.
Huddleston.	Vaughan.
Hunt.	Weinert.
Jones of Atascosa.	Winningham.
Jones of Runnels.	Wood.
Kayton.	Young.
Kyle of Hays.	

Present—Not Voting

Bradley.	McGregor.
Goodman.	Walker.

Absent

Anderson	Jefferson.
of Bexar.	Kyle of Palo Pinto.
Barron.	Latham.
Beck.	Leonard.
Butler.	Lindsey.
Camp.	Long.
Caven.	Metcalfe.
Colson.	Mitcham.
Coombes.	Moore.
Dunlap.	Morse.
Dunagan.	Palmer.
Duvall.	Parkhouse.
Dwyer.	Patterson.
Few.	Riddle.
Good.	Savage.
Graves.	Scott.
Harman.	Shannon.
Harrison.	Shults.
Hester.	Tennyson.
Holekamp.	Wells.
Holloway.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

Mr. Smith offered the following amendment to the bill:

Amend House Bill No. 919, page 4, line 37, by striking out the word "Caldwell" and inserting "Bastrop." The amendment was adopted.

Mr. Wagstaff offered the following amendment to the bill:

Amend House Bill No. 919 by inserting, between lines 17 and 18, page 1, of the printed bill, the following:

"To pay Sterling Oil and Gas Company, Tulsa, Oklahoma, for refund of overpayment of franchise tax, \$37."

The amendment was lost.

Mr. Engelhard offered the following amendment to the bill:

Amend House Bill No. 919 by striking out the following:

"Lines 29 and 30, page 1, printed bill.

"Lines 17 and 18, page 2, printed bill.

"Lines 38 and 39, page 3, printed bill.

"Lines 27, 28, 31, 32, 35, and 36, page 6, printed bill."

Mr. McDougald called for a division of the questions in the amendment.

Question first recurring on the section of the amendment which strikes out lines 29 and 30, on page 1, of the printed bill, it was adopted.

(Mr. Alexander in the Chair.)

Question next recurring on the section of the amendment striking out

lines 17 and 18, page 2, of the printed bill, it was adopted.

Question next recurring on the section of the amendment striking out lines 38 and 39, page 3, of the printed bill, it was adopted.

Question next recurring on the section of the amendment striking out lines 27 to 36, inclusive, page 6, of the printed bill, it was adopted.

(Speaker in the Chair.)

Mr. Engelhard offered the following amendment to the bill:

Amend House Bill No. 919, page 7, printed bill, by adding the following after the last item on said page:

To pay Moore & Meisner, Cuero, Texas, for refund of occupation taxes	\$ 10.84
To pay H. E. Adams, Abilene, Texas, for refund of occupation taxes	7.50
To pay Mat Rauch, La Grange, Texas, for refund of overpayment of motorbus tax	33.00
To pay Will Pierce, Austin, Texas, for refund of occupation tax...	43.14
To pay Hilton Hotel, Plainview, Texas, for refund of occupation tax	25.34
To pay Keystone Drilling Co., De Leon, Texas, for refund of overpayment of gross production tax	165.11
To pay Roscoe, Snyder & Pacific Ry., Roscoe, Texas, for refund of excess franchise tax	158.82
To pay Employer's Loan Society, El Paso, Texas, for refund of occupation tax	150.00
To pay J. M. Walker, Amarillo, Texas, for refund of forfeiture of bonds paid State when party under indictment was in fact dead at time payment was made	2,229.00
To pay Newspapers, Inc., Waco, Texas, for refund of excess franchise tax	10.00
To pay Frank Cobble, Gainesville, Texas, for refund of overpayment of State taxes on lands in Cooke County.....	6.00
To pay Wade Hardy, Lubbock, Texas, for fees of office found due him after auditing his accounts	800.46
To pay Southern Pacific Ry., Houston, Texas, for payment of constructing spur track National Guard camp, Palacios, Texas.....	2,042.96
To pay Highland Park-S. M. U. Bus Line, Dallas, Texas, for refund of overpayment of vehicle tax.....	2,851.78
To pay the Estate of R. J. Rawls, Sillsbee, Texas, for refund of double payment State taxes on lands in Tyler County.....	17.50
To pay General American Finance Co., Corsicana, Texas, for refund of occupation taxes	225.00
To pay C. B. Drinkard, Paint Rock, Texas, for refund of trailer tax	6.30
To pay Waco Oil Co., Waco, Texas, for refund of overpayment of gasoline tax	866.40
To pay Rossia Insurance Co., Hartford, Conn., for refund of overpayment of occupation tax	31.32
To pay the Estate of Mrs. M. J. Moore, Ellis County, Texas, for refund of double payment of State taxes on lands in Ellis County	707.14
To pay Lukenbach Hardware Co., Menard, Texas, for refund of occupation tax	60.00
To pay Prudential Insurance Co., of New York, for refund of excess franchise tax	40.21

To pay Mrs. Anna B. King, Muskogee, Okla., for refund of double payment of gross production tax	123.79
To pay Houston Land & Trust Co., Houston, Texas, for refund of overpayment of inheritance tax.....	100.00
To pay A. J. Wendt, Brenham, Texas, for refund of fees paid into State Treasury through error	230.40
To pay State Board of Health, Austin, Texas, for expenses of Board members incurred after membership had been increased to nine	569.18
To pay Industrial Accident Board, Austin, Texas, for payment of medical examination fees ordered by Board.....	1,087.13
To pay Blotz-Henneman Seed Co., Amarillo, Texas, for refund of freight charges on bill of goods sold Prison System.....	6.07
To pay L. C. Smith Typewriter Co., Dallas, Texas, for typewriter sold to Supreme Court	84.00
To pay Kansas City, Mexico & Orient Ry. Co., Amarillo, Texas, for refund of excess franchise tax	390.42
To pay South Plains & Santa Fe Ry. Co., Amarillo, Texas, for refund of excess franchise tax	9.06
To pay Pecos River Ry. Co., Amarillo, Texas, for refund of excess franchise tax	88.32
To pay Sun Oil Co., Dallas, Texas, for refund of excess franchise tax	1,301.40
To pay Perry S. Pearson, Amarillo, Texas, for payment of services as Special Associate Justice of the Seventh Supreme Judicial District	13.69
To pay J. B. Morris, Beaumont, Texas, for payment of services as Special Associate Justice of the Ninth Supreme Judicial District	136.90
To pay E. N. Kirby, Abilene, Texas, for payment of Comptroller's Deficiency Warrant No. 2332.....	210.50
To pay O. C. Mulkey, Commerce, Texas, for salary and expenses while serving as Associate Justice of the Supreme Court.....	73.07

Question—Shall the amendment by Mr. Engelhard be adopted?

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 433, A bill to be entitled "An Act making an appropriation of \$25,000, or so much thereof as may be necessary, for the construction of a fireproof and burglar-proof vault in the State Treasury Department, and the installation of a burglar alarm system in said Department; and declaring an emergency."

H. B. No. 928, A bill to be entitled "An Act to make provisions for: (Section 1): To anticipate the submission and adoption of the proposed constitutional amendment to provide for the adoption of a home rule charter by any county in Texas, upon a

vote of the qualified resident electors of any county, all as proposed in the pending Senate Resolution No. 3. Reference to said proposed amendment to the Constitution in the exact form for submission to the electors of the State here is made, to the same effect as though it were embodied herein. Further providing (Section 21 hereof) that, no county charter provision impairing the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems of the State, or any department of the State's superior government may have effect as against the State, etc." (With amendment.)

The Senate has adopted

S. C. R. No. 75, Granting R. P. Price permission to bring suit against the State.

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST
READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 433, to the Committee on Appropriations.

Senate Bill No. 130, to the Committee on Judiciary.

HOUSE BILL ON FIRST READING

Mr. Daniel moved to introduce at this time, and have placed on first reading, the following bill.

The motion prevailed by the following vote:

Yeas—108

Adamson.	Holland.
Alexander.	Holloway.
Alsup.	Hoskins.
Anderson	Huddleston.
of Johnson.	Hughes.
Baker.	Hunt.
Barrett.	Hyder.
Barron.	Jackson.
Bedford.	James.
Bourne.	Jones of Atascosa.
Burns.	Jones of Runnels.
Butler.	Kayton.
Calvert.	Kyle of Hays.
Canon.	Kyle of Palo Pinto.
Cathey.	Laird.
Chastain.	Latham.
Clayton.	Leonard.
Colson.	Lotief.
Cowley.	Mackay.
Crossley.	Magee.
Daniel.	McClain.
Davidson.	McCullough.
Dean.	McKee.
Devall.	Metcalfe.
Engelhard.	Mitcham.
Fain.	Moffett.
Few.	Morrison.
Ford.	Munson.
Fuchs.	Parkhouse.
Glass.	Pavlica.
Golson.	Pope.
Good.	Puryear.
Goodman.	Ramsey.
Greathouse.	Ratliff.
Griffith.	Ray.
Haag.	Reed of Bowie.
Hankamer.	Reed of Dallas.
Harris.	Renfro.
Hartzog.	Riddle.
Head.	Roberts.
Hicks.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hodges.	of Ochiltree.
Holekamp.	Rollins.

Ross.	Thomas.
Russell.	Townsend.
Scarborough.	Turlington.
Smith.	Vaughan.
Stanfield.	Wagstaff.
Steward.	Walker.
Stinson.	Weinert.
Stovall.	Wells.
Sullivant.	Winningham.
Tarwater.	Wood.
Tennyson.	Young.

Nays—8

Dunlap.	Merritt.
Dwyer.	Nicholson.
Mathis.	Patterson.
McDougald.	Van Zandt.

Absent

Anderson	Johnson
of Bexar.	of Anderson.
Beck.	Jones of Shelby.
Bradley.	Lindsey.
Camp.	Long.
Caven.	McGregor.
Celaya.	Moore.
Coombes.	Morse.
Dunagan.	Palmer.
Duvall.	Savage.
Graves.	Scott.
Harman.	Shannon.
Harrison.	Shults.
Hester.	Tillery.
Jefferson.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

The Speaker then laid the bill before the House; it was read first time, and was referred to the appropriate committee, as follows:

By Mr. Daniel and Mr. Barron:

H. B. No. 949, A bill to be entitled "An Act amending Article 7105, Revised Civil Statutes, 1925, and the amendment thereto contained in Section 12, of House Bill No. 154, Acts of the Forty-third Legislature, and Articles 7107 and 7111, Revised Civil Statutes, 1925, so as to include within the provisions of said Articles, which impose intangible assets tax upon certain persons, associations, and corporations, oil pipe-line companies, gas pipe-line companies, and common carrier pipe-line companies of every character whatsoever engaged in the transportation of oil and/or gas, doing business wholly or

in part within this State, and every other individual, company, corporation, association, or firm doing business of the same character in this State, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

MOTION TO INTRODUCE A BILL

Mr. Bradley moved to introduce a bill at this time, and have it placed on first reading.

The motion was lost by the following vote:

Yeas—42

Adamson.	Laird.
Anderson	Latham.
of Johnson.	Mackay.
Baker.	McClain.
Bradley.	McKee.
Cathey.	Munson.
Chastain.	Parkhouse.
Clayton.	Pavlica.
Crossley.	Renfro.
Davidson.	Rollins.
Ford.	Ross.
Fuchs.	Russell.
Golson.	Scarborough.
Hankamer.	Smith.
Head.	Steward.
Hill of Brazoria.	Stinson.
Holekamp.	Townsend.
Huddleston.	Turlington.
Hughes.	Van Zandt.
Jackson.	Wagstaff.
Jones of Atascosa.	Young.
Kayton.	

Nays—61

Alexander.	James.
Alsup.	Johnson
Bourne.	of Anderson.
Burns.	Jones of Runnels.
Butler.	Kyle of Hays.
Calvert.	Kyle of Palo Pinto.
Canon.	Leonard.
Celaya.	Lotief.
Cowley.	Magee.
Daniel.	Mathis.
Engelhard.	Merritt.
Fain.	Metcalf.
Few.	Mitcham.
Glass.	Moffett.
Goodman.	Morrison.
Greathouse.	Patterson.
Griffith.	Purveyer.
Haag.	Ramsey.
Harman.	Ratliff.
Harris.	Ray.
Hartzog.	Reed of Bowie.
Hicks.	Reed of Dallas.
Hodges.	Roberts.
Hoskins.	Rogers of Hunt.
Hyder.	Rogers of Ochiltree.

Scott.	Vaughan.
Stanfield.	Walker.
Stovall.	Weinert.
Sullivant.	Wells.
Tarwater.	Winningham.
Thomas.	Wood.

Present—Not Voting

Devall.

Absent

Anderson	Holloway.
of Bexar.	Hunt.
Barrett.	Jefferson.
Barron.	Jones of Shelby.
Beck.	Lindsey.
Bedford.	Long.
Camp.	McCullough.
Caven.	McDougald.
Colson.	McGregor.
Coombes.	Moore.
Dean.	Morse.
Dunlap.	Nicholson.
Dunagan.	Palmer.
Duvall.	Pope.
Dwyer.	Riddle.
Good.	Savage.
Graves.	Shannon.
Harrison.	Shults.
Hester.	Tennyson.
Holland.	Tillery.

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
	Reader.

RECESS

Mr. Alsup moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Kayton moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion of Mr. Alsup prevailed, and the House, accordingly, at 6 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bill No. 945.

Public Lands and Buildings: Senate Bill No. 532.

Municipal and Private Corporations: House Bill No. 944.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 299, A bill to be entitled
"An Act requiring licenses for the
operation, maintenance, opening, or
establishment of stores in this State,
prescribing the license and filing fees
to be paid therefor, and the disposi-
tion thereof, providing for certain
exceptions, and fixing the powers and
duties of the Comptroller of Public
Accounts in connection therewith;
making an appropriation; prescribing
penalties for the violation thereof;
providing if any part of this Act is
declared unconstitutional or invalid,
it shall not affect the validity of the
remainder of the Act, and declaring
an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 43, A bill to be entitled
"An Act creating the Special Ninth
District Court of Montgomery Coun-
ty, Waller County, Polk County, and
San Jacinto County, Texas, pre-
scribing its jurisdiction, limiting its
existence, fixing its terms; providing
for the appointment of a judge there-
of, fixing his compensation, making
an appropriation for the same, pre-
scribing his powers and duties; pro-
viding for the transfer of cases from
the Ninth Judicial District Court to
said Special Ninth District Court
and from said Special Ninth District
Court to the Court of the Ninth
Judicial District; providing for the
District Clerks of Montgomery
County, Waller County, Polk County,
and San Jacinto County, and their
successors in office, to be the Clerks
for said Special Ninth District Court
in their respective counties; providing

a seal for said Special Ninth District
Court; providing that if any section
of this Act be held unconstitutional
or invalid for any reason, the same
shall not impair or affect the remain-
ing sections or provisions, and de-
claring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HYDER, Vice-Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 475, "An Act amending
Section 28, of Chapter 212, Acts of
the Regular Session, Fortieth Legis-
lature, and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 260, "An Act amending
Article 791 of the Penal Code, pro-
viding that Section 8, of Article
827-a, of the Acts of 1929, Forty-first
Legislature, Second Called Session,
Page 72, Chapter 42, as amended by
the Acts of 1931, Forty-second Legis-
lature, Regular Session, page 507,
Chapter 282, relating to the speed
of motor vehicles, shall not apply to
fire patrols or motor vehicles operated
by the fire department of any city,
town, or village responding to calls,
nor to police patrols or physicians
and/or ambulances responding to
emergency calls; and providing that
incorporated cities and towns may by
ordinance regulate the speed of am-
bulances, and declaring an emer-
gency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 333, "An Act amending
Article 2020 of the Revised Civil
Statutes, 1925, with respect to the
record in causes where a plea of
privilege is sustained, providing for
several causes, and requiring amend-
ed pleadings to conform to court's
ruling, and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 329, "An Act to amend
Sections 7, 20, 23, and 24, of Chapter
65, General and Special Laws, Forty-
first Legislature, First Called Session,
and Sections 16 and 17, of Chapter
65, General and Special Laws, Forty-
first Legislature, First Called Session,
as amended by Chapter 15, General
Laws, Forty-first Legislature, Fifth
Called Session, and Section 28, of
Chapter 65, General and Special
Laws, Forty-first Legislature, First
Called Session, as amended by Chap-
ter 62, General Laws, Forty-first
Legislature, Second Called Session,
relating to regulating the avocation
and art of barbering, prescribing
such sanitary rules and regulations
in order to insure the proper sani-
tary conditions and to prevent the
spreading of diseases; providing ad-
ditional qualifications for applicants
for certificates of registration to
practice barbering; providing for an
increased registration fee; providing
for an increased renewal fee; making
a violation of Section 19 of this Act
unlawful, and providing a penalty
therefor; and providing for enforce-
ment of the sanitary rules and reg-
ulations made, established, and pro-
mulgated by the State Board of
Health as heretofore provided for
through and by the State Board of
Barber Examiners; repealing all laws
or parts of laws in conflict herewith;

if any part of this Act is declared
unconstitutional, it shall not affect
the validity of the remainder, and de-
claring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 934, "An Act conferring
additional powers on the boards of
trustees of independent school dis-
tricts situated in counties having a
population, according to the latest
Federal Census, of more than twenty-
two thousand (22,000) and less than
twenty-two thousand, one hundred
(22,100), by providing that the
boards of trustees of such districts
may issue refunding warrants in lieu
of eligible vouchers as defined herein,
issued prior to January 1, 1932, pre-
scribing the duties of the boards of
trustees in reference to the issuance
of said refunding warrants, expressly
authorizing and validating said out-
standing eligible vouchers and re-
funding warrants issued in lieu there-
of, prescribing the duties of such
boards of trustees in reference to the
levying and collecting taxes to pay
the principal and interest of said re-
funding warrants, and declaring an
emergency,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 83, Authorizing the
State Comptroller with the State
Board of Control, and the Superin-
tendent of the State Orphans Home
concurring, to pay some of said four
teachers of the State Orphans Home
at Corsicana not exceeding \$80 per
month, provided the total expended
shall not exceed \$2,880, appropriated
aforesaid for said four teachers, per
year,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 23, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 903, "An Act designating

fur-bearing animals, declaring them the property of the State, declaring a five (5) year closed season on wild fox in Van Zandt County; and providing a penalty for violation of this Act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

In Memory of Hon. A. M. Aikin, Sr.

Mr. Canon offered the following resolution:

Whereas, The brightness of this day has been penetrated by the death shadows of an earthly sorrow as the human career of a distinguished citizen of this State, A. M. Aikin, Sr., has crossed the Divide that separates today from tomorrow; and

Whereas, The son of that distinguished citizen, Hon. A. M. Aikin, Jr., is a Member of this House and is respected and admired as our associate and as an efficient and beloved Representative of the people of Texas; and

Whereas, The Members of the Forty-third Legislature are today made sorrowful in the knowledge of the bereavement of our brother Member, and bear for him their deep and everlasting sympathy which, in the hour of death, is the most powerful of all sustaining force; now, therefore, be it

Resolved by the House of Representatives of the Forty-third Legislature, That we express to Hon. A. M. Aikin, Jr., and the members of the family of A. M. Aikin, Sr., our earnest and sincere sympathy for our mutual sorrow with him in the passing of his father; and be it further

Resolved, That when the House shall stand adjourned on this day that it shall be in the memory of A. M. Aikin, Sr., and as a tribute to the beautiful and courageous life which he has left indelibly printed upon the page of days gone by; and be it further

Resolved, That copies of this resolution be forwarded by the Chief Clerk of this House to the members of the family of A. M. Aikin, Sr., and that a suitable floral offering be forwarded as a tribute from the Members of this House; and be it finally

Resolved, That in the shadows which surround this fireside we may extend the warm hand-clasp of sincere friends in sympathy and understanding, invoking the blessings of Almighty God upon those who have been left behind in the pilgrimage of him who has passed beyond.

CANON,	BOURNE,	HOSKINS,
WAGSTAFF,	ANDERSON of Johnson,	HODGES,
SAVAGE,	BARRETT,	ROGERS of Hunt.
TENNYSON,		

The resolution was read second time.

On motion of Mr. Beck, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Alexander, Alsup, Anderson of Bexar, Baker, Barron, Beck, Bedford, Bradley, Burns, Butler, Calvert, Camp, Cathey, Caven, Celaya, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Holekamp, Holland, Holloway, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Anderson, Johnson of Dimmit, Jones of Atascosa, Jones of Runnels, Jones of Shelby, Kayton, Kyle of Hays, Kyle of Palo Pinto, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Ochiltree, Rollins, Ross, Russell, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tarwater, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Walker, Weinert, Wells, Winningham, Wood, Young.

The resolution was then adopted.

In Memory of Hon. D. T. Valentine

Mr. Greathouse offered the following resolution:

Whereas, The Hon. D. T. Valentine, of Fort Worth, Tarrant County, Texas, departed this life on the seventeenth day of May, 1933; and

Whereas, Mr. Valentine was a useful and patriotic citizen of this State, having served Tarrant and Denton Counties in the Thirty-fourth and Thirty-fifth Legislatures as a Member of this House of Representatives; and

Whereas, His passing is deeply mourned by the Members of this House, and by the citizens of his District and State; now, therefore, be it

Resolved by the House of Representatives, That we express to the immediate members of the family of the deceased our sincere sympathy and regret upon the passing of this distinguished citizen, and that a copy of this resolution be mailed to the members of the family of the deceased, and to his law partners, W. H. Slay and U. M. Simon, of Fort Worth, Texas.

GREATHOUSE.

The resolution was read second time.

The names of all Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Celaya, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Anderson, Johnson of Dimmit, Jones of Atascosa, Jones of Runnels, Jones of Shelby, Kayton, Kyle of Hays, Kyle of Palo Pinto, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Hunt, Rogers of Ochiltree, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, Winningham, Wood Young.

The resolution was then adopted.

In Memory of
Rev. J. C. Mitchell

Mr. Griffith offered the following resolution:

Whereas, The Rev. John C. Mitchell, of Austin, Texas, was called to his eternal reward on May 20, 1933; and

Whereas, The Rev. Mr. Mitchell has spent his life in service to his State and his fellow man; and

Whereas, Rev. Mr. Mitchell served the Texas Legislature as Chaplain of the House of Representatives through seven sessions; therefore, be it

Resolved by the House of Representatives of the Forty-third Legislature, That the State has lost a most useful citizen; and be it further

Resolved, That a copy of this resolution be sent to each member of his family, and that when the House of Representatives stands adjourned today it do so in respect to the memory of the Rev. John C. Mitchell.

The resolution was read second time, and was adopted.